



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

MAR 10 2004

In Re : Kathleen Byrne et al.  
Serial No. : 10/027,228  
Filed : December 20, 2001  
For : INTRAVENOUS PROTECTOR WRAP WITH ENTERTAINMENT

Lowell, Massachusetts  
March 4, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to MAIL STOP OFFICE OF PETITIONS, Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on March 4, 2004.

*Walter F. Dawson*

WALTER F. DAWSON, Attorney, Reg. No. 30,046

March 4, 2004

MAIL STOP OFFICE OF PETITIONS

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

SIR:

PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(a) UNAVOIDABLE

Applicants hereby Petition, through their attorney of record, that the above identified application be revived and restored to the pending files, that abandonment of the above-identified patent application be held to have been UNAVOIDABLE

PEARSON & PEARSON, LLP  
PATENT ATTORNEYS  
GATEWAY CENTER

03/10/2004  
LOWELL, MA 01852  
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by the Applicants, and that prosecution on the merits be continued.

The Petition fee of \$55.00 (Small Entity) is enclosed herewith pursuant to 37 C.F.R. 1.17(l).

#### BACKGROUND

Applicants' Attorney received a NOTICE OF ABANDONMENT UNDER 37 CFR 1.53(f) OR (g) dated February 12, 2004 (copy enclosed and marked Exhibit A).

In this NOTICE Applicants were informed that the application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts mailed on January 29, 2002.

However, Applicants filed a Reply to the Notice to File Missing Parts on March 13, 2002 with a check for fees due which was cashed by the USPTO.

#### UNAVOIDABLE DELAY FACTS

The facts providing an adequate showing that the above Applicants did in fact respond in a timely manner to the Notice to File Missing Parts mailed on January 29, 2002, and did not delay the advancement of the prosecution of this application are as follows:

1. On March 13, 2002 Applicants' Attorney did in fact file a response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION Filing Date Granted (copy enclosed and marked Exhibit B) including a bank check, number 18387 in the amount of \$462.00 (Basic Filing Fee of \$370.00, \$27.00 for 3 Claims Over 20 (Small Entity) and Surcharge of \$65.00 (Total \$462.00).

2. Applicants are also enclosing a copy of Check No. 18387 (marked Exhibit C) in the amount of \$462.00 deposited in the First Virginia Bank in Falls Church, Virginia by the USPTO.

3. Applicants are also enclosing a copy of the return receipt post card (marked Exhibit D) that was filed with the "Reply to the Notice of Missing Parts" by the Applicants which was stamp dated by the USPTO showing the "Reply to the Notice to File Missing Parts" was received in the USPTO on March 25, 2002.

4. Further, Applicants filed a Request for Status of the examination of the application on September 5, 2003, and enclosed is a copy of the USPTO response dated September 11, 2003 (marked Exhibit E) indicating that a first examination would occur in 4 to 7 months and no indication that the "Reply" to the Notice of Missing Parts had not been received.

CONCLUSION

In conclusion, Applicants believe that the USPTO has made an error in mailing to Applicants the NOTICE OF ABANDONMENT UNDER 37 CFR. 1.53(f) OR (g).

PETITION GRANT REQUEST

Therefore, it is requested that this Petition be granted whereby the Notice of Abandonment of the above application be rescinded, and that the patent application be revived and restored to the pending files for further examination.

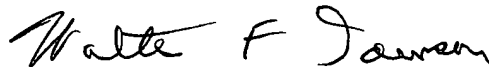
Further, Applicant's Attorney requests that Deposit Account No. 16-0875 be credited for the appropriate amount to refund the unnecessary cost (\$55.00) of the Petition.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 16-0875.

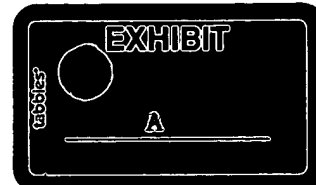
Respectfully submitted,

PEARSON & PEARSON, LLP

BY



WALTER F. DAWSON, Attorney  
10 George Street  
Lowell, MA 01852  
(978) 452-1971  
Reg. No. 30,046



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 10/027,228         | 12/20/2001            | Kathleen Byrne        | 32181                  |

**RECEIVED**

MAR 10 2004

OFFICE OF PETITIONS

CONFIRMATION NO. 9034

ABANDONMENT/TERMINATION  
 LETTER



\*OC000000011884521\*

29669  
 PEARSON & PEARSON, LLP  
 10 GEORGIA STREET  
 LOWELL, MA 01852

Date Mailed: 02/12/2004

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/29/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

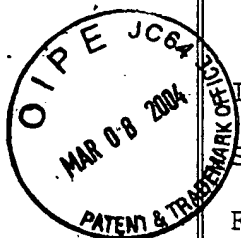
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In Re

: Kathleen Byrne et al.

Serial No.

: 10/027,228

Filed

: December 20, 2001

For

: INTRAVENOUS PROTECTOR WRAP WITH  
ENTERTAINMENT

RECEIVED

MAR 10 2004

OFFICE OF PETITIONS

Lowell, Massachusetts

March 13, 2002

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on March 13, 2002.

WALTER F. DAWSON, Attorney, Reg. No. 30,046

March 13, 2002

ATTENTION: Application Branch

Commissioner of Patents  
Washington, D.C. 20231

SIR:

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION  
Filing Date Granted

In response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION Filing Date Granted, dated April 16, 2001, Applicant hereby submits the following for filing in the above application:

- (1) A copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION Filing Date Granted; and

- (2) A check in the amount of \$462.00 (Basic Filing Fee of \$370.00, \$27.00 for 3 Claims Over 20 (Small Entity) and Surcharge of \$65.00 (Total \$462.00).

Examination of the above application is respectfully requested.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 16-0875.

Respectfully submitted,

PEARSON & PEARSON, LLP

BY

*Walter F. Dawson*

WALTER F. DAWSON, Attorney  
10 George Street  
Lowell, MA 01852  
(978) 452-1971  
Reg. No. 30,046

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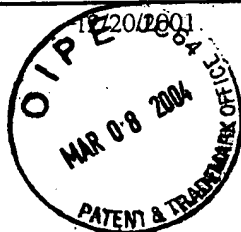


## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/027,228         | MAR 08 2004         | Kathleen Byrne        | 32181                  |

PEARSON & PEARSON  
10 George Street  
Lowell, MA 01852



RECEIVED

MAR 10 2004

CONFIRMATION NO. 9034

FORMALITIES LETTER



\*OC000000007384826\*

OFFICE OF PETITIONS

Date Mailed: 01/29/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$27.
  - \$27 for 3 total claims over 20.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 462.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE





PEARSON & PEARSON LLP

GATEWAY CENTER

10 George Street

Lowell, MA 01852

Tel. (978) 452-1971

BUTLER BANK  
LOWELL, MA 01852  
53-7212-2113

18387

3/13/02

PAY TO THE  
ORDER OF

Commissioner of Patents & Trademarks \$ 462.00  
four hundred sixty two DOLLARS

MEMO

Infusion 32181  
10/027,228

⑈018387⑈ ⑈211372129⑈ ⑈85 0212 1⑈

The dating stamp of the Patent and Trademark Office/the Court on this card will be taken as an indication that the following was filed:

Applicant: Kathleen Byrne et al.

Serial No. 10/027,228

Docket No.: 32181

Filed: December 20, 2001

Title: INTRAVENOUS PROTECTOR.....

Date Mailed: 3/13/02 - Date Due: 3/29/02

Remarks: Copy of Notice to File Missing Parts of Nonprovisional Application, Letter of Transmittal w/Mail Certificate, Fee of \$462.00, Return Post Card.

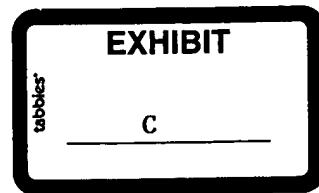
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MAR 10 2004

OFFICE OF PETITIONS



PEARSON & PEARSON LLP

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10 George Street  
Lowell, MA 01852  
Tel. (978) 452-1971

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LOWELL, MA 01852  
53-7212-2113

18387



BY TO THE  
ORDER OF

*Commissioner of Patents & Trademarks*  
*four hundred sixty two* \$ *462.00*  
DOLLARS

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*10/027,228*

*[Signature]*  
BUTLER BANK

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Security Features Included. Details on back.

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03-27-2002  
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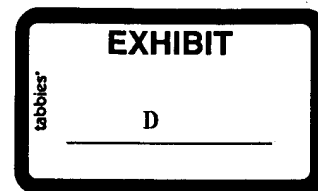
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FALLS CHURCH, VA.  
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| Q10 | Q11 | Q12 | Q13 | Q14 | Q15 | Q16 | Q17 | Q18 | Q19 | Q20 | Q21 | Q22 | Q23 | Q24 | Q25 | Q26 | Q27 | Q28 | Q29 | Q30 | Q31 | Q32 | Q33 | Q34 | Q35 | Q36 | Q37 | Q38 | Q39 | Q40 | Q41 | Q42 | Q43 | Q44 | Q45 | Q46 | Q47 | Q48 | Q49 | Q50 | Q51 | Q52 | Q53 | Q54 | Q55 | Q56 | Q57 | Q58 | Q59 | Q60 | Q61 | Q62 | Q63 | Q64 | Q65 | Q66 | Q67 | Q68 | Q69 | Q70 | Q71 | Q72 | Q73 | Q74 | Q75 | Q76 | Q77 | Q78 | Q79 | Q80 | Q81 | Q82 | Q83 | Q84 | Q85 | Q86 | Q87 | Q88 | Q89 | Q90 | Q91 | Q92 | Q93 | Q94 | Q95 | Q96 | Q97 | Q98 | Q99 | Q100 |    |    |    |    |    |    |    |    |     |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|----|----|----|----|----|----|----|----|-----|
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230276765-3-20



The dating stamp of the Patent and Trademark Office/the Court on this card will be taken as an indication that the following was filed: ✓

Applicant: Kathleen Byrne et al.

Serial No. 10/027,228

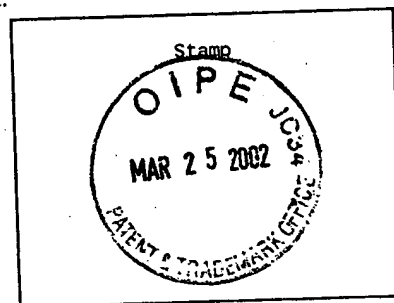
Docket No.: 32181

Filed: December 20, 2001

Title: INTRAVENOUS PROTECTOR.....

Date Mailed: 3/13/02 - Date Due: 3/29/02

Remarks: Copy of Notice to File Missing Parts of Nonprovisional Application, Letter of Transmittal w/Mail Certificate, Fee of \$462.00, Return Post Card.





United States Patent And Trademark Office

Commissioner For Patents

United States Patent And Trademark Office

Washington, D.C. 20231

[www.uspto.gov](http://www.uspto.gov)

Date: 9/11/03

PEARSON & PEARSON, LLP  
10 GEORGIA STREET  
LOWELL MA 01852

To: Applicant of Serial Number 10027228

We project that this application will be first examined in 4 to 7 months from today.

Customer Service Office in Technology Center: 3700

Phone Number: 703-306-5648

FAX Number: 703-872-9301

Applicant/Attorney Contact Information:

Telephone: (978)452-1971

Fax: (978)453-8887

